

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 332-350 and 332-351

Monitoring of U.S. Imports of Tomatoes
Monitoring of U.S. Imports of Peppers

AGENCY: United States International Trade Commission

ACTION: Decision concerning whether to publish reports in 2002

SUMMARY: The Commission hereby gives notice that it will not publish a report on monitoring of U.S. imports of tomatoes in 2002, but will publish the results of its monitoring of U.S. imports of peppers, other than chili peppers, in November 2002.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: September 12, 2002

FOR FURTHER INFORMATION CONTACT: Timothy McCarty (202-205-3324, mccarty@usitc.gov) or Cathy Jabara (202-205-3309, jabara@usitc.gov), Agriculture and Forest Products Division, Office of Industries, U.S. International Trade Commission, 500 E Street, SW, Washington DC, 20436, for general information, or William Gearhart (202-205-3091, wgearhart@usitc.gov), Office of the General Counsel, U.S. International Trade Commission, for information on legal aspects. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ON LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION:

Background.—Section 316 of the North American Free-Trade Agreement Implementation Act (NAFTA Implementation Act) (19 U.S.C.3881), directs the Commission to monitor imports of fresh or chilled tomatoes (HTS heading 0702.00) and fresh or chilled peppers, other than chili peppers (HTS subheading 0709.60.00), until January 1, 2009. As a result of such monitoring, the domestic industry producing a like or directly competitive perishable agricultural product may request, in a global safeguard petition filed under section 202 of the Trade Act of 1974 or a bilateral safeguard petition filed under section 302 of the NAFTA Implementation Act, that provisional relief be provided pending completion of a full section 202 or 302 investigation. If provisional relief is requested, the Commission has 21 days in which to make its determination and to transmit any provisional relief recommendation to the President. In response to the monitoring directive, the Commission instituted investigation No. 332-350, *Monitoring of U.S. Imports of Tomatoes* (59 F.R. 1763) and investigation No. 332-351, *Monitoring of U.S. Imports of Peppers* (59 F.R. 1762).

Although section 316 of the NAFTA Implementation Act does not require that the Commission publish reports on the results of its monitoring activities, the initial notices of investigation for these studies indicated that the Commission planned to publish reports on the monitoring annually. Subsequently, the Commission has published statistical reports in those years in which it was not conducting an investigation under other statutory authority with respect to such products. The most recent monitoring reports were published in November 2001. Effective July 30, 2002, the Commission resumed its final antidumping investigation on Fresh Tomatoes from Mexico (Inv. No. 731-TA-747 (Final)). To avoid possible confusion that might result from publishing a separate data series on tomatoes, the Commission will not publish a monitoring report on tomatoes this year and will revisit the issue of publishing both reports in 2003.

Written submissions.—The Commission does not plan to hold a public hearing in connection with preparation of the 2002 statistical report on peppers. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information which a submitter desires the Commission to treat as confidential must be provided on separate sheets of paper, each clearly marked “Confidential Business Information” at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission’s Rules of Practice and Procedure (19 C.F.R. 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested persons. The Commission will not include any confidential business information in its monitoring report, but may include such information in a report to the President under section 202 or 302 if a request for such an investigation were received. To be assured of consideration by the Commission, written statements relating to the Commission’s report should be submitted to the Commission in accordance with section 201.8 of the Commission’s rules at the earliest practical date and should be received no later than the close of business on October 3, 2002. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: September 13, 2002